

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

State of North Dakota,

Plaintiff,

vs.

Case No. 1:19-cv-00150

United States of America,

Defendant.

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**ORDER GRANTING, IN PART, AND DENYING, IN PART,  
MOTION FOR RECONSIDERATION**

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[¶ 1] THIS MATTER comes before the Court on a Motion for Reconsideration filed by Defendant United States of America on February 5, 2024. Doc. No. 410. The Motion comes after this Court denied Plaintiff State of North Dakota's Motion for Leave to File Under Seal Certain Deposition Designations. See Doc. Nos. 406, 409. Defendant did not previously have an opportunity to present argument in support of the requested relief. Defendant requests to have limited portions of the deposition transcripts sealed. Defendant asserts the witnesses are former officials of the Federal Bureau of Investigation (FBI) and the limited testimony sought to be sealed reveals sensitive law enforcement investigative techniques involving confidential informants. For the reasons set forth below, Defendant's Motion for Reconsideration is **GRANTED, IN PART, AND DENIED, IN PART.**

[¶ 2] The Court has reconsidered the proposed sealed exhibits in light of Defendant's arguments and concludes Defendant is entitled to have limited portions of the testimony filed under seal.<sup>1</sup> However, the portions of the testimony that have been designated to be used at trial, lines 73:4-13 of Exhibit 10 and lines 40:7-9 and 64:8-14 of Exhibit 13, shall remain public. Where testimony will be offered at trial, the public's right to know is greater than the government's interest to keep secrets. Plaintiff is directed to publicly file the redacted versions of Exhibits 10 and 13 and to file under seal the unredacted versions of Exhibits 10 and 13.

[¶ 3] Accordingly, for the reasons set forth above, Defendant's Motion for Reconsideration is **GRANTED, IN PART, AND DENIED, IN PART.**

[¶ 4] **IT IS SO ORDERED.**

DATED February 6, 2024.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge  
United States District Court

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<sup>1</sup> The limited portions of the testimony to be redacted include: lines 72:8-10, 73:14-16, 74:1-9 of Exhibit 10 and lines 63:12-14 and 24-25, 64:1 of Exhibit 13.